

## **Summary of Tenth Negotiation Session on New Water Supply Agreement**

**Date of Session:** July 28, 2003  
**Place:** Santa Rosa Laguna Pumping Plant  
**Time:** 9:00 AM – Noon

### **Parties Present and Represented:**

Cities: Cotati, Petaluma, Santa Rosa and Sonoma.  
Districts: North Marin, Marin Municipal, Sonoma County Water Agency  
and Valley of the Moon Water District.

Attachment A contains complete list of attendees.

### **Voting Method**

Voting represents the consensus of the ten parties to the negotiation (Cotati, Petaluma, Rohnert Park, Santa Rosa, Sonoma, Windsor, Forestville Water District, North Marin Water District, Marin Municipal Water District (MMWD) and Valley of the Moon Water District). Each of the ten has one vote to cast pursuant to the rule adopted by the WAC at its meeting of September 9, 2002, namely:

- Decision making style: Consensus (defined as all parties agreeing they are either (a) for an issue (thumbs up), (b) can live with it (thumbs horizontal) or (c) opposed (thumbs down). Vote results are reported when taken as (a/b/c).
- If parties can't come to consensus, table the issue and deal with it at the end of the negotiation.

### **Opening**

Miles Ferris opened the meeting asking for comments from the public. There were none. Chris Sliz, Interest Based Negotiation facilitator, had attendee's check-in and introduce themselves.

### **Recap of Prior Negotiation Session**

Consultant John Nelson reviewed discussions that took place at the June23, 2003 session. The parties then approved the minutes of the prior session with two changes recommended by Mike Ban and took up the following.

## **Review of Part 5 – Water Advisory Committee (Governance Issues)**

Mr. Nelson reviewed changes proposed at last meeting and language suggested by SCWA. These are shown in Attachment B. The parties reviewed Part 5, making changes and voting on each paragraph and making following changes:

Section 5.1 and 5.2: Define purpose of Technical Advisory Committee to simply be “to advise Water Advisory Committee”

Section 5.3(a): Agreed that representative on the WAC should be an elected official and directed addition of language to provide for designation of an alternate. Also, regarding participation of MMWD in WAC meetings (if MMWD is not a signer of the new agreement) that an elected official from the MMWD would represent MMWD rather than the General Manager.

Section 5.3(c): Determined that Standing Water Conservation Subcommittee would report to the Technical Advisory Committee.

Section 5.3(d): Determined that chair would be elected each two years and that chair could not succeed himself/herself unless unanimously approved by WAC representatives. Determined that vice chair should also be provided for. Determined that office of chair would be vacated if holder lost status of being a local official and that an election would determine successor.

Mr. Nelson was directed to redraft Part 5, review with Agency Counsel and bring back to parties at next negotiation session.

## **Status of Proposed Letter to MMWD**

Mr. Ferris said he had been on vacation and that letter would be posted in next day or two (refer to Attachment B to “Summary of Ninth Negotiation Session” held on June 23, 2003 for copy of proposed letter).

## **Response from Agency re. Continuation of Russian River Projects and Russian River Conservation Charges.**

Mr. Poole said that these two charges, which derive funds from, the Marin County agencies, would continue in the new agreement. He said tax revenue obtained annually by the Agency will continue to be deposited in these funds and spent for the purposes designated in the current agreement. He said to the extent monies in these funds are spent on watershed or environmental compliance matters that this would not result in duplicative charges to the Marin County agencies if the proposed new Watershed Planning and Restoration Charge was created in the new agreement.

## **Continued Negotiation of 21 Key Issues in Contention between SCWA and WAC**

The parties then moved on to the Key Issues in Contention, focusing attention on the language suggested by Mr. Nelson in the following attachments based on the prior negotiation session of June 23<sup>rd</sup> and subsequent meeting with Agency manager and counsel addressing: (1) Urban Water Management Plan (UWMP) and Watershed Provisions (Attachment C), (2) Addition of New Facilities (Attachment D, and (3) Recycled Water/Local Supply Projects (Attachment E).

### **(1) UWMP and Watershed Provisions:**

Section 2.7 (a): Language re. water supply planning was approved (8/0/0). Petaluma initially voted thumbs down stating that language did not go far enough regarding environmental considerations but agreed that proposed language was not a deal breaker.

Section 2.7 (b): Language re. watershed planning/projects. (8/0/0)

Section 2.7 (c): Language acknowledging authorities granted Agency in Section 2.7(a) and 2.7(b) was permissive not mandatory was approved (8/0/0).

Section 2.7(d): The parties, by consensus, agreed on modifications as follows:

- That a project not benefiting all the contractors could be carried out as provided by the proposed language of Section 2.7(d) but only if the WAC and each benefited party burdened with the cost of such project also approve the project.
- That project study undertaken by Agency identify benefited parties.

Furthermore it was suggested that it maybe possible to combine this sub-section (2.7(b)) with the section dealing with ‘addition of new facilities’.

Mr. Nelson was directed to make the need changes and present at the next session.

### **(2) Addition of New Facilities:**

Definition (nn) “Transmission System”: Parties deleted inclusion of recreational facilities it being noted that language authorizing same had not yet been negotiated.

Section 1.6: Pam Torliatt expressed opposition to changing peak flow entitlements in the manner proposed. Concern was expressed by Jane Bender on how the WAC voting provisions would be affected if the peak monthly flow entitlement (limit) were changed by a unilateral agreement between the Agency and one or more benefited parties. Chris DeGabriele suggested that additional peak flow be provided for but that WAC votes (which are weighted in proportion to the peak flow entitlement) remain the same until such time they are amended by all parties.

Further negotiation of this section was deferred to the next session.

### **(3) Recycled Water:**

Negotiation deferred to next session.

### **Follow-up Tasks for Next Session**

1. Recap of July 28, 2003 Negotiation Session (Nelson)
2. Response from MMWD to letter sent by WAC (if available) (Ferris)
3. Review modifications made to Part 5 (Governance) (Nelson)
4. Continued Negotiation of Key Issues in Contention between WAC and Agency:
  - a. Planning and Watershed (review revised language)
  - b. Addition of New Facilities (review revised language)
  - c. Recycled Water and Local Projects
  - d. Other Key Issues (as time permits)

### **Next Negotiation Session**

Time and Date: 9:00 AM-12:00 PM, August 25, 2003

Place: Santa Rosa's Laguna Treatment Plant

## **Attachment A**

### **Attendees Of Water Advisory Committee Negotiation Meeting July 28, 2003**

Attendees:

- Chris Sliz, City of Santa Rosa
- Jane Bender, City of Santa Rosa
- Virginia Porter, City of Santa Rosa
- Miles Ferris, City of Santa City
- John Nelson, JONWRM
- Chris DeGabriele, North Marin Water District
- Syed Rizvi, North Marin Water District
- Al Bandur, City of Sonoma
- Toni Bertolero, City of Cotati
- Janet Orchard, City of Cotati
- Jack Gibson, Marin Municipal Water District
- Steve Phelps, Marin Municipal Water District
- Lee Harry, Valley of the Moon Water District
- Mike Ban, City of Petaluma
- Steve Simmons, City of Petaluma
- Pam Torliatt, City of Petaluma
- Randy Poole, Sonoma County Water Agency
- Carl Leivo, City of Rohnert Park
- Jake Mackenzie, City of Rohnert Park

Public Attendees:

- Brenda Adelman, RRWPC
- Don McEnhill, League of Women Voters
- Tom Yarish, Friends of the Gsteros